THE HON'BLE SRI JUSTICE V.V.S.RAO

–

WRIT PETITION No.5927 of 2005

–

Dated:17.03.2006

–

–

Between:

Smt.Pattaswamy Anjana Devi, W/o.Ramachander Rao.

…Petitioner

And

The District Collector, Khammam, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5927 of 2005

ORDER:

The petitioner is allegedly the owner of land admeasuring Ac.0.12 guntas in Survey No.4, situated at Sarapaka Village, Burgampahad Mandal, Khammam District. She allegedly got the property from her father-in-law. On an application made by her, the third respondent herein statedly conducted enquiry and issued pattadar pass books and title deeds in 1996. According to the petitioner, the said proceedings of the Mandal Revenue Officer have become final. It is alleged that the second respondent on 05.03.2005, *suo motu* cancelled the entries in respect of the land in Survey Nos.4 and 10 admeasuring Ac.0.12 guntas and Ac.0.12 guntas respectively. Pursuant thereto, the third respondent issued a notice to the petitioner on 07.05.2005 to surrender pattadar pass books and title deeds. According to the petitioner, it is only after receiving the notice by the Mandal Revenue Officer, she came to know about the orders of the Revenue Divisional Officer, and that the Revenue Divisional Officer passed orders, cancelling the entries, without notice to the petitioner.

The writ petition is filed on two grounds. First, the Revenue Divisional Officer has no such *suo motu* power to cancel the entries made in the Record of Rights, and secondly, even if such power inheres in the Revenue Divisional Officer, the same cannot be done without issuing notice.

Insofar as the first ground is concerned, it is misconceived. A reading of Rule 13 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, belies any such contention. Insofar as the other contention is concerned, as rightly pointed out by the learned Assistant Government Pleader for Revenue (General), the order can be subjected to a revision before the Joint Collector under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'). In the opinion of this Court, a remedy of revision under Section 9 of the Act is an effective remedy, and the Joint Collector can resolve all the issues. Therefore, this Court is not inclined to express any opinion on the merits of the case or the grounds urges herein, except to the extent indicated hereinabove.

The Writ Petition is accordingly disposed of at the interlocutory stage itself, giving liberty to the petitioner to prefer a revision before the Joint Collector, Khammam, within a period of one week from the date of receipt of a copy of this order. As and when such revision is filed, the Joint Collector shall dispose of the same, after issuing notices to the concerned persons, within a period of six weeks thereafter. There is a dispute regarding possession, therefore, there shall be *status quo* as on today, till the revision is disposed of by the Joint Collector, within the time stipulated hereinabove. No costs.

_____

(V.V.S.RAO, J)

17.03.2006

Note: Issue C.C by 20.03.2006.

B/o.

vs